

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

October 16, 2006

4:00 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Lopez, Smith, Forest

Absent: Alderman DeVries

Chairman O'Neil asked everyone to rise and have a moment of silent prayer in Honor of Officer Michael Briggs and his family.

3. Discussion relative to Business License application of Electra Nightclub at 34 Fir Street.

Chairman O'Neil stated we have had communication that there is going to be a change in ownership regarding the Electra license. As in the past we've received concerns regarding this application. The Committee believes it's in the public's best interest to allow the concerns to be addressed in a public forum. The Committee would like to hear the concerns and will allow the applicant to address those concerns. We would like the applicant to explain the business plan for Electra and various items. We will now open this up to the public for public comments, we would ask you to please come forward and state your name and address for the record, and ask that comments be kept to three minutes if possible.

Chairman O'Neil called for those wishing to speak.

Robert Baines, former Mayor, stated:

Thank you for the opportunity to address this issue and I have to admit we haven't heard what the current plans are but my concerns about this club and this neighborhood is that has become a very important neighborhood in our community. A lot of residents have moved into this community there has been a lot of investment in this community. In fact the City as you know working with private enterprise, the federal government and other financial sources invested a

lot of money into Bridge and Elm a parcel of land that had been vacant for almost 15 years to bring new residents into this area. That particular neighborhood has been subjected to a lot of activity that is not conducive to the kind of environment that those of us who work very hard to make Manchester the kind of community that it is today. And I'm concerned about any kind of a club that would go into that location, whether it be a teen club, whether it be a club that eventually gets a liquor license I am opposed to that kind of activity and I also want to draw the attention of the Committee to parking concerns around that area, which is a tremendous issue for people who are living in that neighborhood and trying to do business in that area. I also call your attention to the Massachusetts College of Pharmacy and Health Sciences, a college that a lot of us worked very, very hard to bring to our community. This is a college with a long-term business plan, they have hopes of expansion on this site to bring much needed education for the pharmaceutical, people interested in pharmaceutical education, and health sciences and it has a potential for very dynamic growth in the City which will not be conducive for future expansion if in fact a club of any kind of nature especially one that has the capacity that that club has to go into this area. So I respectfully ask this committee to look negatively upon any attempt to bring any kind of a club whether it be a teen club or an alcohol related club into this area, and I would ask you to give good consideration to the thoughts and concerns of neighborhoods and the businesses that are already inhabiting that neighborhood. Thank you.

Robert Tierney, Executive Director of Manchester Neighborhood Housing Services at 20 Merrimack Street, stated:

I was here the last time to speak when the issue of licensing came up and I'm here once again on behalf of the residents of the property located 1382-1470 Elm Street where we own and manage those units. Very near the proposed nightclub at 34 Fir Street. As residents being in such close proximity to the property we are concerned about the effects and the negative impacts of such a large establishment in this neighborhood. Given the level of resident of residential use that the Mayor just mentioned in this vicinity we are concerned about disturbances to the families that live nearby. Our units house young families who work and go to school, get up early in the morning and as a developer of affordable housing in this community we've worked hard to bring back I think very safe and decent neighborhoods to the community, and particularly into the downtown area. As such our families play in the back alley and on the sidewalks near that area and the side effects of a nightclub including noise, trash, loitering, vehicles all pose serious problems for our residents. We recognize that Manchester is growing and the downtown is becoming a real destination for visitors, it's not our intention in any way to discourage this kind of economic prosperity but we do have concern over the size and type of establishment at this particular location. I think today in particular in light of the tragic event that's occurred I think it's more important

now than ever for the City to extend its resources toward promoting safety in the community and that the approval of this type of development in this location would place a far greater strain on those resources and would help jeopardize the community. Thank you.

Claire Drouis [sas] Resident of Amoskeag Terrace, stated:

I'm a resident of Amoskeag Terrace the condo units that are practically abutters because we are directly across the street and where the club members would park. I'm here to speak in opposition to the licensing of the club because of past experience with things that happen in the neighborhood on a regular basis before Envy had it's liquor license revoked there are a number of times that I called the police department because of frantic screaming and things from females. Wondering are they being assaulted, are they being raped, are they being murdered, gunshots across the street, now that's just a little bit of what happens when you have something of this nature in a family area. There are families across the street from us with children. We have the college. We have our properties. All things that we are trying to maintain and we are trying to present a great image for the City of Manchester. And when we have to have all of these things going on at night it really is not a pleasant thing. And I know that the owners are probably wonderful people who really have great intentions but once people leave the club there is absolutely no control by anyone because they are just roaming the streets. And, trust me, it has not been pleasant, it has not been pleasant. Especially now I just don't think that it is fair to expect our overtaxed police department, who's struggling to maintain order in the City of Manchester. Because I think we all realize that the City has changed greatly in the last couple of years, even maybe a little bit longer than that. They are overtaxed. They can't keep up with what's happening in the City now, and do we really want to introduce something that will just add to their burden. That's it as far as that goes. But as an aside I also want to say that I would certainly pay more in taxes if it meant that we could have more police on the streets to protect the citizens, because we just don't have enough police to handle the City of Manchester. Thank you.

Dick Charpentier, resident of 99 Kidder Street, stated:

Again in the same complex as your previous speaker. I'm here to oppose granting a license also. We already have several places of assembly, Club Envy, Rax, Millies, Uptown that are creating a hazard in the neighborhood. Increasing the traffic. Also just want to remind you that Amoskeag Place based on the last assessment is approaching a \$12 million complex. I'm not sure that we are adding any value by adding an 800 person club to the neighborhood. Also, I don't know what the valuation would be on Bridge and Elm but that should be a factor also. Parking is already at a premium and this will only create more of a problem. You know that our driveways at Amoskeag Place are private ways. We are now in the

process of spending additional funds to have them gated because of the additional traffic that has been created in the neighborhood. Adding again an assembly place whether it's with a liquor license or without I'm sure will involve a multitude of drivers on a regular basis. Thank you.

Seth Wall, Executive Director of the Massachusetts College of Pharmacy and Health Sciences at 1260 Elm Street.

To my right is our general counsel, Bob Holmes, and to my left is our consultant former mayor Sylvio Dupuis. I just want to give you a little bit of background about our college so you know a little bit about who we are and where we come from. Massachusetts College of Pharmacy and Health Sciences is the oldest college in Boston, founded in 1823, we have over 3,500 students at three campuses in Boston, Worcester, and Manchester. Offering over 30 different degree programs. We've invested over \$100 million in the City of Boston, over \$40 million recently invested in the City of Worcester, just in the past five years. We are very committed to the communities we invest in, and the college is active in many community organizations and activities such as the Manchester Chamber of Commerce, NH College and University Council, and the BIA. Our students participate in clinical rotations in the community and they volunteer for community activities. The trustees and the president of the College of Pharmacy and Health Sciences has a master plan. They've invested over \$4 million to date in the City of Manchester. They started investing in 2002 when the college opened it's Manchester campus with it's desire of providing NH students with a closer campus to home. The college has graduated more than half of the working pharmacists in the state of NH. The college believes it's important for the campuses to be located in the inner city to attract faculty, staff and students, but the environment chosen must also provide a safe and clean environment for it's students to attend classes and live. The Manchester campus of the college offers courses for students who can earn graduate level degrees in pharmacy sciences, as physician assistants, and pharmacists. The college students attend classes, conduct laboratory work, studying in the library throughout the day and evening hours and our campus is open until 11:30 PM. In addition most students commute to school and park directly adjacent to the night club on both sides. The college currently leases 72 parking spaces from the same owner of the property of this night club. The club only has 9 dedicated parking spaces. This club with almost 800 people parking in only 9 spaces, no, these people will overflow into the neighborhoods. The college is requesting respectfully that this committee look into this further and conduct a parking and traffic study. The college's master plan includes expansion of the course offerings leading to additional professional degrees in fact facility expansion to accommodate the additional student population. Currently we are accredited for 200 students, and we are planning to bring a new nursing program next fall which will bring us up to almost 400 students. Our population is 70% female. This brings me to another point which is student safety. The last

nightclub which was in this location, we had a serious incident where one of our students was injured. He has four metal plates in his head. He was injured by four patrons who came out of the former nightclub that was there. We are seriously concerned about our students' safety as well as our faculty and staff. This is a residential, professional, and higher education neighborhood and we are also looking to have a safety study done on this area as well. The owners of the club in Lebanon, it's my understanding this club has still not transferred ownership, this club in Lebanon over the past five years has had over 400 calls for service and 60 arrests. That club is much smaller in an industrial park much less populated area. It's estimated for our college that we'll invest over \$12 million in the Manchester area in growth and operations of our institution of higher education. Also, it is conservatively estimated that our 200 students that we currently have invest over \$5 million annually in the economy. From the time the college has established a presence in Manchester it has been supportive of downtown redevelopment, neighborhood revitalization and establishment of an enhanced education community in particular. The operation of a club of as many as 800 patrons will overwhelm the college's neighborhood and impair perhaps terminally the college's ability to attract students and the continued operation at this location. The absolute potential for public disorder, loitering, vandalism, crowding, physical harm to our students, faculty and staff, residents, and other businesses in the neighborhood is of alarming proportion. At this time I'd like to pass it over to former Mayor, Sylvio Dupuis for some comments.

Sylvio Dupuis, former Mayor and consultant to the college stated:

It's always a privilege to come back to City Hall as an old timer from City Hall. It's been very well said let me add just a couple of other comments. I was thinking about the City as it was doing it's master plan and as it works towards revitalization of the downtown I doubt very much that that master plan will include an 800 person club located in a back alley off of Elm Street and that anybody would find that that was an appropriate location. Whether the club has alcohol or does not have alcohol we know that there will be alcohol outside the club in cars. We know that there will be drugs. And my sense of that is that people commit to hiring two extra policeman or four extra security guards there is no way to adequately police a club in a 10,000 square foot area with 800 patrons plus staff. And while something may be legal, legal does not make it appropriate and as you look at that location, as you look at where the club is, as you look at the potential, it is sort of like saying we'll light the bomb or light the firecracker but we will blow out the fuse before it gets to the end. Once the fuse is lit and once the process is started it will be a lot more difficult to make and to take creative action. I represent really the college as special assistant to the president and I have to tell you as I look at the change in that area just in the last five or six years. There has been a public and private sector investment on that one block in excess of \$60 million. If you look at the residences, if you look at the rehab of the Brady

Sullivan Building, if you look at what we've done with the Keyspan building, if you look at what Manchester Neighborhood Housing has done you look at that investment and I would say again, with that kind of activity in that area of the city it will be the last investment made for a long time. And as a consultant to the college I frankly would be very hard pressed to recommend any expansion of the college at that site. Now Mayor Bob Baines and many others in this city worked very hard when Notre Dame College closed to convince the Massachusetts College of Pharmacy and Health Sciences to come. And again, they may stay in this area but we would be very hard pressed to keep them at that location if we allow this kind of club activity to go on. So I would urge that the appropriate officials reject the application. Thank you.

Mr. Wall stated one other thing Mr. Chairman, when we were looking at the agenda for today we were just wondering what the status of the building department sign off is it appears as though the Building Department has not signed off.

Chairman O'Neil requested the City Clerk's office respond.

Deputy Clerk Normand responded I believe the permit was issued and then it was rescinded until this matter gets cleared up and licensing all the other departments are comfortable, so at this point my understanding it's under rescission.

Dennis Gagnon, owner of Lemay Brothers Jewelers, 1225 Elm Street stated: I would just like to put myself on record as opposing the license for this club. I feel that the neighborhood is totally inappropriate for it. We've endured more than we should have in damages to our property, and late night calls for alarms and so on. I don't know that I can add much more than that which has already been previously stated. We've written countless letters to mayors, and to the City Clerk stating our position. I'd just like to go on record that we are opposed to this license for this club. Thank you.

Philip Syra, owner of building at 1181 Elm Street, corner of Bridge and Elm Streets stated:

I understand first hand what clubs such as that do to the surrounding neighborhood and the tenants of the building and it was only last year that we managed to fully lease the upstairs of our building to businesses and we've had businesses in the past actually leave the building and terminate their leases because of the surrounding activities of clubs such as this proposed club. I believe it will only create more havoc in the neighborhood, create parking problems, and have a lot of people roaming around at night that will disturb businesses that are trying to work at night and people that are trying to walk around at night. As owner of property there I am opposed to this club.

Chairman O'Neil stated he had spoken with Mayor Guinta earlier today and he has full intention of attending this depending on how things went with the Officer Briggs shooting. Mayor Guinta is obviously very concerned about this but has other more important business to take care of on behalf of the citizens today.

Dick Duckoff, 380 North Bay Street, stated:

My main reason for opposing this I actually have two main reasons, my main reason is because it is totally inappropriate in a residential neighborhood. This neighborhood is a residential neighborhood for tenants that live in the Smith/Dow Block the block just north of the E&R Laundry. It's totally inappropriate and we wouldn't even be here today if this club were opening next to Clarke Street or next to Lexington Avenue. The reason that we are here today is that frankly the system works in a way that people that are not affluent are next to a club we treat them differently then if they were affluent. They have homes, they have families, they're like anybody else, they deserve to have an environment where their children can be raised in a safe and sane manner. My other reason is that at the last go around when you had the prior hearing for the Electra Club, I spoke to every single business in the area. The man that had the shoe repair shop across the street, he had his windows broken, and he didn't even repair them after awhile they were just boarded up with plywood. Norman Vivier that owns the Bedford Block I spoke to him in Florida, he was totally opposed to it and was going to send somebody here for that reason. He was concerned about his property. Everybody is concerned in particular about corners because it's the corners that get hit. The one's that for instance, the french, the one on Orange Street, that's a corner, that's an alley, the people drive around alleys that's the ones that get hit where the windows get broken. They were the most concerned. The owner of the Bedford Block, the Granite State Credit Union that owns the block that used to be the Sear's building, just north of the Bedford Block, they were totally opposed to it. Sanell Auto Body was really concerned about it, they were concerned about their property. People parking up there. People are concerned about having to clean up their sidewalks, clean up litter, so on and so forth. And to me the biggest issue that if the abutters, I mean if all the abutters were in favor of it I doubt I would be here. But when the abutters totally are opposed to something I think the City has to listen, and I think the State has to listen. Thank you.

Chairman O'Neil asked if there was anyone else wishing to speak. There were none.

Chairman O'Neil asked the applicant to come forward and address the Committee.

Dana Clay, 2 Saunder[sas] Lane, Enfield, NH., President of LARJ Inc. stated: Thank you for the opportunity to speak here today on behalf of my company. I want to thank all of those from the neighborhood that showed up. Local business owners, residents who have come to voice their concerns. I wish that we had spoken before and we'd taken the opportunity to meet each other before today to have these conversations. My doors are always open to those who want to speak further with me after this meeting. By all means please feel free to contact me and go from there. It's my understanding that the Board of Aldermen and the other individuals who have interest and here today want to know what my business plan is. For some of those this may come as a surprise we've been operating for four months now as a teen club. As a 21 substance free, chemical free teen club. There be a dance club we have pool tables, we have games for the students, it's basically a high school age program that we run here. We've been open four months and we've been working very hard to increase our numbers there and it's come to a point that we are happy with the business plan that's currently in place. We understand that there is a lot of concern about that establishment having a liquor license and possibly 800 people in attendance. We have been fielding crowds as of late well into 200's now, through an upward marketing campaign. And starting to be very happy with the turnout. We have a great product for the kids here in Manchester and are looking forward to bringing them our product to them in the near future and continuously in the future. The Under 21 club for the record I was the vice president of the LARJ Inc. under the previous ownership. I was also the general manager of the establishment. Buying the establishment myself from my business partner I still am the operator. I have been then every day of operation. I am there every day we don't operate. Old policies, procedures, manuals, business material that were created for the previous owner were created by myself and carried out by myself and I continue to do that today in the establishment. Some of the people here today have addressed concerns of parking. I do in fact during daytime hours have 9 dedicated parking spots, that is absolutely correct. My business does not operate during the daytime employees are not there neither are any of my patrons. However, after 5PM in my lease I have 321 parking spaces which are allocated to my business for my operating hours by my landlord. I have a plan if the aldermen would like to see that of where these parking lots sit. It's a schematic if you will. (Handout distributed to members.) As the aldermen pass that around I guess I'll speak a little bit more about my past four months in operation at the Electra nightclub. Again we provide I think fantastic entertainment for the youth here in the City. Currently my current plans are in actually pursuing local high schools, and holding senior class fundraisers, things of that nature where a portion of proceeds from senior class if the senior class wanted to hold a fundraiser dance there, donate back to each and every high school who would like to participate. And I'm also putting together plans for an after school program, operating from 2:30 to 7:30 where we could give a hip if

you will environment for kids come to, music, entertainment pool tables, games, they can get a soda, slice of pizza something of that nature after school. Those are the immediate plans. I will not say that I will never entertain the idea of a liquor license in this establishment. I will go on record saying that I may very well pursue that. I would like to bring entertainment to all ages in this location. Right now I understand with the concerns put forth from the City of Manchester and from local residents that that's not desired in that location and it would be silly of me to think that that would be an easy win, or whatever just to put alcohol in there, it's just not going to be. And that's why I am furthering plans for the teen programs that I have in place. I also have had numerous conversations with Deputy Chief Gary Simmons over the past several months that we've been operating where as part of the provisions that are given to us by City of Manchester, the Aldermanic Board themselves under the previous ownership we were required to hire detail officers for our events. For the past four months it has become very apparent of myself and for Deputy Chief Gary Simmons that the officers that we are required to hire weren't necessary for the establishment due to one in part I'll say a small turnout at the beginning of operating. Two, the lack of issues or problems that we have had in the establishment. We do operating like I said in a high 100's to a little over 200 per night every Friday and Saturday night, from 9 to 1, and I'm unaware of any problems that's created for any of our local residents. I have had numerous conversations with the closest abutting landlord, Dave Slyder, who owns properties of the Northend Superette and part of the building adjacent to that on Elm. We've discussed issues of noise. We've discussed issues of, I've asked him has he had any complaints. Is there any of his tenants that were unhappy with my patrons, etc. Yet to find anyone who's had an issue and I welcome anyone who has had a problem with my operating please step forward in the future and speak with me we will resolve the issue. Whether it be to hire an extra individual or what have you. That's not a problem for me. But as I said at this point we do not hire detail officers and that was an agreement made between Deputy Chief Gary Simmons and myself due to a lack of problems in the establishment. Pretty clean record in the last four months in the thousands of kids that we put through.

Chairman O'Neil asked if there was anything further.

Mr. Clay responded no.

Chairman O'Neil opened it up to questions from the Board.

Alderman Lopez stated nobody likes you I guess, you don't have too many friends anyway. Let's go back to the idea that you think maybe in the future that you would go to a liquor license, and now you are running it as a teen center. Now when you say teen center is that under 21.

Mr. Clay responded under 21, that's correct. Our age group is 15 to 20, which is just outside of the high school age group on the high end and just above it on the low end.

Alderman Lopez stated and you have a lease you say for the parking after 5PM.

Mr. Clay responded that's correct, 321 spaces in the lots I believe Mr. Normand has it in his hand, there is four lots dedicated to our establishment, 321 total parking spaces.

Alderman Lopez stated the after school program is that just to play the machines or whatever the case may be there is no professional people there is that correct.

Mr. Clay responded when you say professional I don't....

Alderman Lopez stated counselors, after school help.

Mr. Clay responded I've been speaking with a large group of individuals, kind of a sounding board, patrons, etc. they've asked for tutors to be set up. That is something that I will definitely, definitely explore. This plan is definitely being proposed right now it is not in a final status but I would be happy to share that with the City as soon as I have it put together.

Alderman Lopez questioned the City Clerk stating the City already has a license for this he's been operating for four months, so you are not seeking a liquor license at this time.

Mr. Clay responded he did not have an application in at this time.

Alderman Lopez asked the City Clerk if that was correct.

Deputy Clerk Normand responded well the current ownership, the building has not changed hands, or the business has not changed hands yet, so the current ownership has a license. When Mr. Clay takes over there is a transfer of license, he's applying for a new license issued to the new company even though it's the same corporate name it's a new company.

Mr. Clay responded for entertainment permits so I can continue to run the teen club, and as I said, I have a ten year lease, I will not say that I won't apply for a liquor license in the future but as for right now my plans are to expand the teen club.

Alderman Lopez asked for a clarification. Can he transfer, he can't transfer a liquor license from one owner to another can he.

Deputy Clerk Normand responded no. There is no liquor license in place at this time anyway but, they can't transfer the business license either, or the entertainment permits that why we are here today.

Chairman O'Neil recognized Mayor Guinta to speak.

Mayor Guinta stated it's been a very trying day for the City and I wish I was here under different circumstances but we have had a tragedy in our City today and I don't think it should go unnoticed particularly when we are talking about how we want to shape the future of our city. I talked with some of you today to give you updates and I'll continue to do that after this proceeding but I appreciate you accommodating my schedule as I do have to get back to the Police Station. Regarding this issue, I just want to read something from today's Union Leader and I'd like it to be part of the record. I believe this was stated by the gentleman who spoke before me if his name is Mr. Clay. A quote that he had in today's Union Leader regarding the Electra hearing said "*LARG Inc.(which is this new entity) feels that it has built a strong case that our application process has been neither fair nor typical and is being intentionally difficult due to the City's opposition and current administration's opposition to Electra Night Club.*" I take personal offense to that statement. This City is very proud in how it conducts itself. And as far as I'm concerned we have been nothing but honest and fair and provided the appropriate amount of education to this individual as to the process and procedure. I have reviewed the procedure with the City Solicitor's office and we are in complete compliance with the procedures outlined. Moreover, I have not personally heard from this individual or any member of this new company to talk about this situation. Now, I'd like to think that I am a Mayor who has had an open door policy to just about anybody. And I'll give you an example. When the previous ownership of Electra wanted to open their doors I personally visited the establishment to get a clear picture of the kind of entity they wanted to open up. I talked to extensively with their ownership, their management team with police, fire, solicitor, clerk's office, and I made a recommendation at that time. Because I didn't think it was in the best interest of the City for this organization to operate in the City. In the last ten months I've had to deal, and this Board has had to deal with more criminal activity then it cares to deal with. And I know that every member of this Board takes it seriously. And I hope every business person takes it seriously. But when someone talks to the Union Leader and says that they don't think they are being treated fairly, and they don't have the professionalism to talk to the individual that they are referencing I think it already speaks volumes to the kind of individual and the kind of management they are seeking approval for. Now I know that this committee can't dictate whether they get any kind of license,

but I'll stand before you today and tell you that no matter what kind of operation goes at that location I cannot in good conscience let this management team operate in the City of Manchester. Unequivocally I cannot support it. And I know before you earlier this afternoon was Mayor Baines essentially saying probably the same thing. There is no political agenda here. This is about our City. This is about a vision that we would like to have for our City and we have every right and every opportunity and every obligation to send a message to people who want to do business in the City. And if you want to operate a safe and secure environment you're welcomed. The vast majority of people who own establishments of this kind provide safe and secure environments. Over 90 percent of them. We are talking about just a few. But I cannot stand before you today and put forth my support for this club, whether it's looking for a liquor license or whether it's looking for an entertainment license because quite frankly I think the reputation in other parts of the City sends a strong message, and it's not a message of community. And it's not a message of their willingness to work with the community. I think they want to do nothing but take advantage of this community. And I'll continue to stand up and continue to say that. If I saw some sense of responsibility I would say that and I would convey that but I haven't. What I have seen is someone take a shot at me in the paper because they don't like the process. Now if they go for a liquor license I'll oppose it. And I'll explain why I think they shouldn't have a liquor license. Look at that neighborhood first of all. You've got two different kinds of residential communities where children live. You've got a thriving college that is a positive impact to the downtown and to this community. You've got other business operations in that area that are thriving and supportive and positive. This in my opinion is not positive. And all I have to do is look at the relationship that Electra and it's ownership has where it's other location is to feel confident in that it is only a matter of time before they bring that element into this City. And I am pretty clear and confident that the department doesn't want to put its officers in harms way to address this kind of activity. And I'll be glad to talk to the new ownership or this transfer of ownership, but I'll tell them the same thing. You know, less than a year ago Mayor Baines and I were engaged in a conversation about the vision for downtown. Many people in this City over the last decade have spent a lot of time reinvesting in the City because they love this city. Because they want to see it prosper. Because want to see good things out of this City. I think we all share that same vision. And I think many people that operate businesses downtown share that same vision. I hear from bar owners, club owners, all the time who want to work with the Mayor's office, who want to work with the City, who want to work with the department to make sure that there is a balance between business and safety. I don't see it from this management team. Particularly when all they want to do is talk to me through the newspaper about how unfair I am. So I hope that there is a serious understanding on the part of this new management team that the restrictions placed on this club will be of the highest we've ever seen, and that's

directly because of their inability I think to operate in previous locations in what I would consider responsible fashion. I think this City is very unified in trying to promote a family friendly, business friendly, downtown. And we are going to continue to promote that. But so long as I have an opportunity to speak on behalf of people in this city I will certainly speak my mind when it comes to this type of activity. And when someone tells me that they are going to open up a club for teens and they are not going to promise they are not going to go for a liquor license to me it says one thing, eventually they are going for a liquor license and eventually they are going to put people in jeopardy. All for the sake of what, to make a buck. And we are going to be putting our officers in jeopardy. We are going to be putting that neighborhood in jeopardy. And I think that 110,000 people who live here trump one business owner. And when I hear from almost every resident in that area, every business owner in that area, who says this is not good for the downtown, it's not good for that location, I'm going to stand with those people. And if this business owner has a problem with it my office is right behind me he can meet with me anytime. But in my opinion this business is not welcome in the City of Manchester. I can't put it more clearly than that. And if you have any questions I'll take them otherwise I'll let you get back to your hearing.

Mr. Clay thanked the Mayor for giving us his opinion stating I want to clarify a couple points the Mayor made. First of all for the record, I did in fact meet with the Mayor myself in that establishment last year. He shook my hand and he doesn't remember my face, but he listened to me and my management plan and my management plan was good enough to get an entertainment permit. Second of all the information that was in the Union Leader today comes from a letter written to the City Clerk's office, addressed to Matthew Normand which I have a copy of. Would the Board of Aldermen like to see this letter?

Deputy Clerk Normand noted it was in the Committee's agenda.

Mr. Clay stated that information from that letter was not given to the Union Leader by me. It came from the City Clerk's office. So if there is a problem with a quote I apologize for that it was a discrete letter written directly the City of Manchester and I had no intent for it to ever make the papers. It certainly was not given by me.

Alderman Smith stated I was wondering if someone could address the parking situation with the college and the lease. Alderman Smith noted that on September 28th Ben Gamen sent a letter and I understand the lease but it says after 4PM it shared used with other tenant with on Tuesday through Sunday from 4PM to 4AM. Who is the other tenant.

Mr. Wall responded that would be Larg Inc. We basically have those parking spaces on both sides of the building during the day until such time then it's shared parking. And again our students are there until 11:30 at night so they can actually be parked there overnight. And they don't have to remove their cars.

Mr. Clay stated can I address the issue of parking with the Pharmaceutical college, as part of management with the previous owners and I spoke with Wayne Hoyt, Dean of Student Affairs I believe. I asked for copies of the pharmaceutical college parking permits, I asked for class schedules and I asked for security information, who their security is. Those requests went unanswered. Conversations with Mr. Hoyt were ceased once we filed for our liquor license the first time, no response. I personally met with him on three different occasions and said that I was more that willing if he gave me a copy of his parking permits just so I know who is who and where they're there and I would never have their vehicles towed they would be allowed to park there as long as they wanted to be there, and in the four and half months that I have operated I would have to say I don't see and I may be mistaken here, any cross traffic there is no one in the lot after 6PM. They say we have classes till 11, I've requested a class schedule so I know on what days those would be, not gotten that. And I have not seen any cross traffic whatsoever. In fact all the lights are out on the side of the building that face me after 9PM, my opening time. If someone would like to give me that information I would be happy to work out any type of schedule, I'll save spaces open for them, I don't have to use the lot that's on the, I have 321 spots, that's fine.

Alderman Smith stated in regards to the parking you are saying that it's sufficient to put 300, 400 cars in there and you don't have any problem at all. Where are you parking, on Hollis Street, Kidder Street, where.

Mr. Clay responded no sir, there is 321 dedicated spots to my business after 5PM. We've yet to see a parking situation where the lots were full. Should the lots get full I'd be happy to look into leasing other space if necessary from other landlords to use some of their lots. If that so be the issue as of yet with the teen club we have not addressed that problem, it has not occurred.

Alderman Smith stated I imagine you and the college lease from the same individual. Who are you leasing it from.

Mr. Clay responded we used to be leased through White Cliff Realty, it was recently sold in the past month and is now under management by Metropolis Property Management.

Chairman O'Neil asked who is the owner.

Mr. Clay responded Mr. Talerico, and Mr. Anagnost.

Alderman Long stated now did I hear you right that you have up to 200 people on a Friday or Saturday night, is that what you said your patrons were.

Mr. Clay responded we average in the 150-180 range right now on a Friday night, and have hit the same on Saturday. Have gone recently over 200 patrons on a Friday night about a month ago.

Alderman Long stated the ages you are targeting are 15-20 year olds.

Mr. Clay responded that is correct.

Alderman Long asked how do you verify those ages.

Mr. Clay responded when they come in we ask for ID, if they have a student ID, if they have a driver's license. If anyone is questionable of age is to be ID'd.

Alderman Long stated so you could determine whether a 15 year old is really fifteen or 12 or 13 or.

Mr. Clay responded if they have ID on them I can.

Alderman Long stated is it safe to say that there may be under 15's getting in there or older 20's.

Mr. Clay responded no we have no intents of catering to under 15's.

Alderman Long stated in the four months that you have been operating have you ever had somebody try to get in there that was under 15 or over 20.

Mr. Clay responded we had plenty of people over the age of 20 that wanted to get in, that we've turned away. We have had plenty of people I believe under the age of 15 that we've turned away.

Alderman Long stated plenty of people as in, let's say on an average night you get 100 or 200 and maybe patrons, 20, 30, 40 or 50 of them.

Mr. Clay responded no, I would say 10 a night. There is obviously some confusion on what the establishment is, it's now called, the event is called velocity. The establishment is called the Electra Night Club and people of all ages and persuasions stop by and want to know what the club is.

Alderman Long stated as you can see Mr. Clay there is this place of assembly in my opinion, and others have spoke, is a detriment to the neighborhood. I understand that you have a right to use your entrepreneurial spirit however, past history has showed us that it creates problems. Your obvious problems are parking, traffic, but it also creates safety problems and then as an elected government official I believe one of the primary responsibilities that I am entrusted with is public safety. And this being a residential area, I don't see where your management team could assure me of public safety from outside of your establishment. I can understand inside your establishment I could trust that that would happen, but outside I don't see how you could assure that outside your establishment that public safety would be followed through, through your management team.

Mr. Clay responded that I am assuming that you are referring to if the establishment had a liquor license.

Alderman Long stated no, I'm referring to if your establishment in the last four months that it has been going on there.

Mr. Clay responded correct. We've to my knowledge have had no issues with public safety. The past four months of operating. If there is any information that is contrary to that please.

Alderman Long stated these 15 and 20 year olds, you are checking ID's or verifying student ID's or licenses. Of the 200 patrons that you have, how many of them are from Manchester.

Mr. Clay stated we only run promotions inside the City of Manchester, we don't promote to Massachusetts or anything of that nature, if that's what you are referring to. I don't do a demographic on these people but I would have to guess that 60 percent of my population is from the greater Manchester area.

Alderman Long stated 60 percent, so 40 percent is from where, I mean you know your business I'm sure, so four months you've been operating.

Mr. Clay responded I have a large Merrimack population, I have a lot of people from Londonderry, again there are people I'm sure that will come from Lowell, Lynn and Lawrence which is a concern of the City and those people if they have attended, I'm sure they have, have acted accordingly and appropriately while they have been here.

Alderman Long asked Mr. Normand, what has been rescinded.

Deputy Clerk Normand responded the occupancy permit issued by the Building Department, it was issued before I believe it had gone through the licensing process and Commissioner LaFreniere was rescinded that until this got cleared up and they had a chance before this hearing today and continue down this process so it is my understanding as of last week that it still had been rescinded. I don't know if Dana Clay can tell you differently, and Commissioner LaFreniere is here now.

Alderman Long stated when the permits were rescinded are they still allowed to operate.

Deputy Clerk Normand noted that the permit that has been rescinded is for the new company. Right now he is operating under the old company. Once the new permits have been issued I think that's when the transfer or the sale of the business can occur.

Mr. Clay responded that is correct.

Alderman Long stated you stated that you are looking to become a teen center.

Mr. Clay responded that is correct.

Alderman Long stated in heading towards that path, are you still looking at the 15-20 year old.

Mr. Clay responded high school aged demographic, yes sir.

Alderman Long stated well, high school aged and 15-20 year old are two different.

Mr. Clay stated to 19.

Alderman Long stated then you also claim that you don't need the 9 spaces during the daytime but you want to operate when school gets out, what parking spots are you going to use when school gets out.

Mr. Clay stated that is something that is currently being evaluated and looking to negotiate something new with either the landlord a dedicated spot for the pharmaceutical college and dedicated spot for myself.

Chairman O'Neil stated if I may I'd like to stay on this parking issue because I'm probably as confused tonight as I was the last time we heard this case with the I guess still owners, they are not the previous owners because you do not own the.

Mr. Clay responded technically the deal will not be consummated until I have an entertainment permit.

Chairman O'Neil stated I see lots referenced on the map that was passed out that last time there was some determination that those lots didn't come with the lease. But yet I'm seeing again they are referenced. And one example I'll refer to is the Davidson Construction Lot. One of the lower lots does not empty out onto Hollis Street it empties out into parking lot behind Dunn's Furniture. Can you say tonight that that's part of your lease.

Mr. Clay responded yes, it's my understanding that that will be part of the lease as part of the 321 spots that go with the lease after 5PM.

Chairman O'Neil stated you are clear on which lot I'm talking about.

Mr. Clay stated I believe you are referring to the lot that is just north of Dunn Furniture.

Chairman O'Neil stated no, it would be east of Dunn Furniture. With all due respect I'm hearing tonight two tenants who lease space from the same owner and there is confusion on who has what space, that doesn't leave me a great comfort level here this evening.

Mr. Clay stated I'm not sure, I'm not confused in that.

Chairman O'Neil stated I am absolutely confused, you may not be but I certainly am. I can tell you that.

Mr. Clay when walking the lots with the previous landlord, it was very clear to me which spaces he allowed me to use. There was two parking lots on the same level as the nightclub. The one parking lot that's on the next tier down from the night club. And the third parking lot, or fourth parking lot on the next tier down from that.

Chairman O'Neil stated ok, it's that latter one, the last time we met and I've looked at the minutes there was a lot of confusion over whether or not that was part of the deal and based on the minutes from the last meeting that was not clear and I don't believe you've cleared it up for me.

Mr. Clay stated I don't have the lease with me today, Sir.

Chairman O'Neil stated so I have some doubts with this parking situation. I have to apologize when you were talking about police details and you were quoting

Deputy Simmons I was trying to get clarification from Mr. Normand. Can you review again the discussions you've had with Deputy Simmons, either about your current situation with the teen club, or with moving forward.

Mr. Clay stated Deputy Chief Gary Simmons and I spoke with regards to detail officers over a period of two to three months. We were originally were requesting.

Chairman O'Neil asked if I may, during what time frame, since.

Mr. Clay since we opened the teen club. I have been running the establishment the entire time it's been open.

Chairman O'Neil stated I understand that but you were not the owner under those.

Mr. Clay stated that is correct.

Chairman O'Neil stated the issue here is changing ownership, so let's be. I understand you were running it before now you are the owner and ultimately responsible so let's treat no conversations before, let's treat the conversations since you've opened the teen club.

Mr. Clay stated since late May when we opened the teen club I've had no less than seven conversations with Deputy Chief Gary Simmons in regards to detail officers. For one point probably late June I was calling Deputy Chief Simmons with my numbers on a weekly basis. And from that determination we went from 3 details on Friday and 3 details on Saturday to I believe 2 details on Saturday and 2 on Friday, to no details on Saturday, to 1 detail on Friday and to eventually no more detail officers because we both agreed that it was not necessary in the establishment.

Chairman O'Neil stated I just want to caution you that you should not be quoting Deputy Chief Simmons unless you are absolutely sure. You are quoting by saying he agreed that there was no need for detail officers there.

Mr. Clay responded he agreed that it was in my best interest if our numbers got into the 300 point that we should hire detail officer. I agree that it is in my best interest, if we get to a crowd that is even over 250 I'd be happy to hire detail officers back I told him I would be in direct correspondence with him. And I welcomed him to the establishment at any time to view our crowd.

Chairman O'Neil stated eventually where do you see this teen club. I mean I want to go to this alcohol issue in a little bit, but where do you see this teen club going.

Mr. Clay responded you quoted earlier between 150 and 170.

Mr. Clay responded that is correct. I don't see it being impossible to have crowds in the 400, 350 range. I think that we can do that on a weekly basis. Actively pursuing different strategies with a marketing company to obtain those goals. As well as pursuing as I said relationships with local high schools in order to have benefits, school dances I had a high school from the Conway NH area contact me about doing a project graduation at the establishment recently, and those are the kind of events I would like to pursue with the teen club.

Chairman O'Neil stated and would you expect if you start to get up to those numbers that you are going to have to hire detail officers inside.

Mr. Clay responded I would expect to hire detail officers before we hit those numbers.

Chairman O'Neil stated okay, and what about for outside.

Mr. Clay responded as well. Detail officers, they float back and forth depending on how they perceive the situation. Most of them tend to be outside for the majority of the night anyway, I think it's probably the loud music.

Chairman O'Neil asked what the hours of operation were for the teen club.

Mr. Clay responded 9PM to 1AM, and the after school program would go from 2:30 to 7:30.

Chairman O'Neil stated you mentioned earlier that you have no intention, I don't want to quote you so I am summarizing, you don't have any intention to apply for a liquor license, are you willing to state before this committee tonight that you will never apply for a liquor license while you own the establishment.

Mr. Clay responded no, I believe my quote was I will not say that I will never apply for a liquor license, I have a ten year lease. I would like to provide entertainment at some point in time possibly to all ages. We've entertained the possibility of putting a restaurant in. We've entertained lots of ideas. I can't speculate on what five years from now, how my market will change or how my business could change, I know how the teen club will operate from now to the five year plan.

Alderman Lopez asked would you be willing to state that if you did apply for a liquor license that you would notify this committee or this Board of Mayor and Aldermen or the Mayor.

Mr. Clay responded sure, be happy to let the Board know if I apply for a liquor license.

Alderman Lopez stated let me ask you another question in reference to the ten outlined policies that's been established for that particular, or I should say that you say you agreed to. You know what I am talking about.

Mr. Clay responded yea, I have a copy.

Alderman Lopez quoted the establishment shall be required to hire off duty personnel for the Manchester Police Department, and stated and when Alderman O'Neil asked you a question you said that Deputy Simmons said you didn't need to.

Mr. Clay responded we have negotiated that with Deputy Chief Simmons and him speaking for the Manchester Police Department I assumed had the ability to do that.

Alderman Lopez stated and in item #5, how many people do you put out in the parking lot.

Mr. Clay stated as far as my security personnel.

Alderman Lopez stated yes.

Mr. Clay responded one and two depending on volume of business, etc. We force our parking to one lot, when that lot fills we go to a second lot, I say force, we direct our traffic.

Alderman Lopez stated you are open to 1 in the morning is that 7 days a week.

Mr. Clay responded no, just Friday and Saturday.

Alderman Lopez asked Deputy Clerk Normand about item #1, the establishment shall be required.

Deputy Clerk Normand stated my understanding of that, that's required to hire police detail. My understanding of that is the discussion, obviously I wasn't present when Mr. Clay and Deputy Chief Simmons had their conversation. But a conversation by myself and Deputy Simmons I believe when they went in a few different times there was like 25 to 30 people in the establishment, they were having low low number crowds. So for them to hire whatever the number was, 2

to 3 officers for that amount of people I don't think Deputy Simmons felt it was warranted. But that requirement is in the ordinances anyway, it doesn't need to be on there stipulations, but it is in their stipulations as it is in all nightclubs in the City that should the police at any time make a determination that the club or the establishment warrants a police detail they'll be imposed. So even though Mr. Clay at this time may not have a police detail, I can assure you it won't be set on a hard line of 150 patrons or 200, the police department if it starts to pick up and it's busy and there's issue, then they'll just impose a police detail. And if Mr. Clay wants to keep his license he'll have to keep

Alderman Lopez stated you are familiar with everything that Matt said.

Mr. Clay stated yes I am and like I said under the last agreement Deputy Chief Simmons and I had was that if my numbers do start to increase to a crowd of 250 or more then we would talk more about having detail officers on the premise, I welcome the idea I think it's a fantastic idea to have their presence there.

Chairman O'Neil stated so you are saying in an agreement with Deputy Simmons that you have now if you have 230 patrons you don't need to hire a police officer.

Mr. Clay responded he said if my numbers went over the two hundred...

Chairman O'Neil interjected he said that to you verbally or in writing.

Mr. Clay responded verbally.

Alderman Lopez stated I just want to clear that up because I think maybe Matt can work it out with Deputy Simmons and yourself to get the right language because if the police determine if you have problems over there, if you had 25 or 30 and he wanted a police officer, they are required at football games, everywhere, so I just want to make sure that we completely understand and you don't walk away by saying 250 and that's when you'll talk about having a police officer. They can make you put a police officer over there at any time they desire.

Mr. Clay responded I'm fully aware Sir, and as I said we started with police officers under the agreement provisions set forth, I'm sorry with detail officers, and we have since negotiated otherwise with the Police Department.

Alderman Lopez stated Matt, if it needs to be cleaned up it should be cleaned up so there would be no misunderstanding with anybody.

Deputy Clerk Normand responded yea, we can certainly do that.

Mr. Clay stated for the record it was my understanding that I was to call Deputy Chief Simmons if my numbers did get to a point where.

Alderman Lopez stated I know but sometimes verbal remarks unless it's actually in writing, that's why I brought it up because it says shall be required.

Mr. Clay responded understandable.

Alderman Lopez stated okay, so I just want to make sure that everybody is on the same plate.

Alderman Smith stated on this particular item we made the provisions, the Board of Mayor and Aldermen. How come that we are being usurped with other provisions, we said no numbers involved they'd have to hire police. That was one of the provisions we set down in this committee. I'd like to have it clarified and I think somebody should talk to Deputy Chief Simmons and find out the story because I think they should be required regardless of the numbers for the protection of people in that neighborhood. And one other thing I'd like to bring up you mentioned teen, you are thinking of opening up a teen thing, you gave the hours of 2 to 7, where are you going to park if the college has first.

Mr. Clay responded as stated previously when that question was posed I said that currently we are looking to making an agreement with the landlord as to dedicated parking for the college because none of those lots are full, the entire space from myself and the college, none of the lots are full during daytime hours. If we could have dedicated parking for the college, dedicated parking for myself that would be something I would look to arrange.

Alderman Smith stated I think the issue is, I don't think the college is willing to have you as a neighbor. And I don't think the people in the neighborhood would like to. And as far as I'm concerned it's highly residential all around that area, I think because of the convenience store in the northend I think that's why it was open. We have problems on Elm Street, we have problems on Kidder, Hollis Street and a lot of these things might not happen right next to your establishment but it does happen like the fellow said from Lemay Jewelers on Elm Street. And as far as I'm concerned I'm sick and tired of having night clubs come in where the element is undesirable and if you have 200 or 300 kids getting out at 1:00 I assure you there is going to be trouble outside.

Mr. Clay stated my operating history at this point is only four months old and I understand that's infantile in the business stage, but it has also shown that there has been no instances and I will continue to operate as I have and address issues as they come up. Once people are in my watch, my provision, I'm always

responsible for them if I can do anything with local business owners who would like to approach me on this as far as doing something with the staff and nearer their location, if they can step forward that would be fine.

Chairman O'Neil stated I must say that I do take a little bit of exception of your letter of September 21st and the tone of it. You know no matter what happens for you here you go home to someplace other than Manchester, NH. True.

Mr. Clay responded that is correct.

Chairman O'Neil stated you know I walk out of my house today on my street and I'm not comparing which of the business you run but this is the real world of Manchester. I walk out of my front door and three houses to my right are police officers with an automatic weapon checking cars because I lived on the fringe area of where this shooting took place. So, you know everybody outside the city you guys go home and you don't have to live with what goes on here, we all have to live with it. So I take this very seriously, night clubs, any living conditions in some of these buildings in the city, etc., etc. They all play a role in the quality of life in this City and I've got to live with it. And my family has to live with it. While you go home to someplace else and these other people that own businesses they don't live here. I live here. I put up with it. And I wasn't pleased to see a police officer with an automatic weapon on my street today. But it's the real world. I have two concerns here there is definitely we need clarification on this parking issue. I wrote down what you said and we can get the clerk to read it back. I'm looking to get an agreement with the owner on parking. But yet you're telling us you have an agreement for 321 parking spaces.

Mr. Clay responded after 5PM, Sir. The only agreement that I wanted to make is if we did an after school program from 2:30 to 7:00.

Chairman O'Neil I for one, and I don't know if my colleagues agree, I have some concerns with what parking agreements are in place and even though they are between private parties they effect what goes on in the City of Manchester. Secondly I am sure if we didn't have the unfortunate incident this morning that Deputy Simmons or a representative of the Police Department would be here. I have a concern if Deputy Simmons is making a comment you don't need a police officer till after you hit over 251 people. Now, I'm not going to go home tonight based on what's happened and I'm not going to call him the rest of the week on that. But I have some great concerns about if that was an agreement made. So, I'd like to see us table this to get these and for you to sit down with your landlord and with the college and come back and tell us exactly who has what agreement for what parking. And bring the landlord in, you are both paying the lease to him, he

has some responsibility here, and secondly I can tell you within a week I'll be following up with Deputy Simmons about this issue of police details.

Mr. Clay responded should I request that information from Deputy Simmons in writing.

Chairman O'Neil stated you know what, this isn't a good week to be requesting anything from the Police Department, I can make that request. So I'm suggesting we table this based on these two items. Cause I'm not clear, it's up to my colleagues what they want to do.

Alderman Forest so moved to table the item. Alderman Lopez duly seconded the motion.

Deputy Clerk Normand asked if he wanted to set a date for that hearing, a week or two weeks, or.

Chairman O'Neil responded as soon as we can get the information. Soon as the two parties can get together with their landlord and get clarification there should be a map identifying who has what parking spots. All I see is a map handed out I don't even know who owns the property. And secondly regarding police, out of due respect to them, they need a little bit of time they have more important issues to take care of right now. We will try to get it scheduled within the next few weeks if at all possible. Some of it is on your side folks, to get together with the landlord, some of it is on our side.

Chairman O'Neil called for a vote. There being none opposed the motion carried.

There being no further business to come before the Committee, on motion of Alderman Forest, duly seconded by alderman Lopez, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee